

UNITED STATES DISTRICT COURT

Middle District of North Carolina

JULIUS LAROSA EVANS,)
Petitioner,) 1:05CV978
v.) 1:96CR222-1
UNITED STATES OF AMERICA,)
Respondent.)

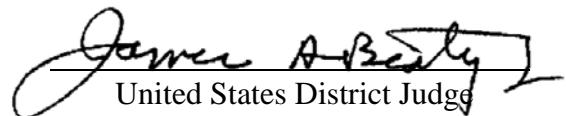
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On November 8, 2005, in accordance with 28 U.S.C. § 636(b), the Recommendation of the United States Magistrate Judge was filed and notice was served on the parties in this action and a copy was given to the court.

Within the time limitation set forth in the statute, Petitioner objected to the Recommendation.

The court has appropriately reviewed the portions of the Magistrate Judge's report to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court hereby adopts the Magistrate Judge's Recommendation.

IT IS HEREBY ORDERED that Petitioner's "Rule 60(b)" motion be construed as a Section 2255 action and dismissed without prejudice to Petitioner filing a new action on the proper forms.



James A. Beasley, Jr.
United States District Judge

DATE: January 12th 2006